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FACSIMILE**Date:** July 28, 2005**Time Sent:**

To:	Company:	Facsimile No:	Telephone No:
Examiner Allen HEINZ	U.S. Patent & Trademark Office	571 273 8300	
From:	Michael E. Fogarty	Direct Phone:	(202) 756-8372
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Sent By:	Rosanna Pase	Direct Phone:	(202) 756-8392
Client/Matter/Tkpr:	43890-622-3328	Original to Follow by Mail:	Yes
		Number of Pages, Including Cover:	9

Message:

Re: U.S. Patent Application No. 10/628,558
Inventors: Hideki KUWAJIMA, et al.

IN RESPONSE TO THE OFFICE ACTION DATED JUNE 28, 2005, APPLICANTS HEREBY SUBMIT AN
ELECTION UNDER 35 USC 121 AND PRELIMINARY AMENDMENT.

Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile
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Michael E. Fogarty
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U.S. practice conducted through McDermott Will & Emery LLP.
600 Thirteenth Street, N.W. Washington, D.C. 20005-3096 Telephone: 202.756.8000

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JUL 28 2005

Attorney Docket No.: 43890-622

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Hideki KUWAJIMA, et al. : Customer No.20277
Serial No.: 10,628,558 : Confirmation No.: 4746
Filed: July 29, 2003 : Group Art Unit: 2653
For: : Examiner: ALLEN J. HEINZ
PIEZOELECTRIC ACTUATOR, DISK DRIVE USING THE SAME AND
MANUFACTURING METHOD THEREOF

ELECTION UNDER 35 U.S.C. § 121 Certification of Facsimile Transmission

Mail Stop FEE Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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McDermott Will & Emery LLP
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[Signature] *7/28/05*
Signature Date

Sir:

In response to the restriction requirement set forth in the Office Action mailed
June 28, 2005, having a shortened statutory period for response set to expire
July 28, 2005, wherein the Examiner required restriction between the
following Groups:

- Group I - Claims 12-13, are drawn to a combination magnetic disk drive utilizing a piezo actuator; and
- Group II - Claims 1-11, are drawn to a subcombination piezo actuator.

Serial No.: 10/628,558

Applicants elect Group I, claims 12-13, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims 1-11, which the Examiner has indicated is patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

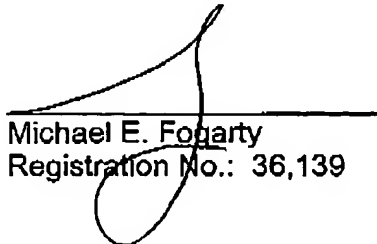
Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date:

7/28/05

By:


Michael E. Fogarty
Registration No.: 36,139

600 13th Street, N.W., Suite 1200
Washington, D.C. 20005-3096
Telephone: 202 756 8000
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WIXC99 1114884-1.0438 X0.0622

Docket No.: 043890-0122

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Hideki KUWAJIMA, et al. : Confirmation Number: 4746
Application No.: 10/623,558 : Group Art Unit: 2653
Filed: July 29, 2003 : Examiner: Allen J. HEINZ

For: PIEZOELECTRIC ACTUATOR, DISK DRIVE USING THE SAME AND MANUFACTURING METHOD THEREOF

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Michael E. Fogarty
Type or print name of person signing certification

7/28/05
Signature Date

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an Amendment in the above-identified application.

- ☒ No additional fee is required.
☐ Applicant is entitled to small entity status under 37 CFR 1.27
☐ Also attached:

The fee has been calculated as shown below:

	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	9	20	0	\$50.00 =	\$0.00
Independent Claims	1	3	0	\$200.00 =	\$0.00
Multiple dependent claims newly presented					\$0.00
Fee for extension of time					\$0.00
					\$0.00
Total of Above Calculations					\$0.00

- ☐ Please charge my Deposit Account No. 500417 in the amount of \$0.00. An additional copy of this transmittal sheet is submitted herewith.
- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Michael E. Fogarty
Registration No. 36,139

Please recognize our Customer No. 20277 as our correspondence address.

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Date: July 28, 2005